

REMARKS

1. General

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) on the grounds that the submitted drawings did not show every feature of the invention specified in the claims. Corrected drawings are included herewith which show the means to lock the hasp bar having a code-operated combination locking mechanism. In particular, the corrected drawings include a new figure, Fig. 13a.

The Examiner has rejected Claims 8, 17, and 18 on the basis of 35 U.S.C. § 103(a) as being unpatentable over Prior Art in view of U.S. Patent No. 3,780,546 to Longenecker or in view of U.S. Patent No. 5,052,203 to Van Cuyk.

The Examiner has rejected Claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Prior Art in view of U.S. Patent No. 3,780,546 to Longenecker or in view of U.S. Patent No. 5,052,203 to Van Cuyk and further in view of (1) U.S. Patent No. 4,699,395 to Hale or (2) U.S. Patent No. 2,204,882 to Berluti.

2. Response to Rejection of Claims 8, 17, and 18 Under § 103(a) (Prior art in view of Longenecker or in view of Van Cuyk)

The Examiner has rejected Claims 8, 17, and 18 under §103(a) as being unpatentable over Prior Art in view of Longenecker or in view of Van Cuyk. Applicant respectfully traverses the rejection for the following reasons.

A. The bumper hitch art of Longenecker and the fifth-wheel hitch art of Van Cuyk are not analogous to gooseneck hitch art.

First, Applicant respectfully submits that neither Longenecker nor Van Cuyk is analogous art with respect to the subject matter at issue, as required by MPEP § 2141.01(a). The invention

disclosed in Van Cuyk is explicitly described as "[a] lock apparatus adapted for use with a fifth wheel plate having a king pin." *See* Van Cuyk, col. 4, lines 15-16; *see also* Van Cuyk, col.1, lines 39-41 and lines 64-66. It is well understood by those of skill in the art that a fifth wheel coupling mechanism operates entirely different from a gooseneck trailer hitch coupling mechanism. Specifically, the grooved king pin-and-plate assembly is a completely different structure than the hitch-ball-accepting cavity of a gooseneck trailer hitch. Thus, the Van Cuyk hitch is an entirely different class of hitch than that of the present invention. Therefore, those of skill in the art would not consider "a lock apparatus adapted for use with a fifth wheel plate having a king pin" as being in the field of Applicant's endeavor or as reasonably pertinent to the particular problem with which Applicant's invention was concerned because Applicant's invention is specifically directed towards gooseneck trailer hitches.

The same may be said for the bumper hitch art of Longenecker. That bumper hitch has no retainer bracket or hitch ball engagement plate; indeed, the respective structures of a bumper hitch and gooseneck hitch are similar only in that they each accept a hitch ball. Thus, a bumper hitch is not reasonably pertinent to the gooseneck trailer hitch security problem solved by the present invention.

B. Combination of the Prior Art with the teachings of Longenecker and Van Cuyk would render the present invention only half as functional.

Further, it would be impossible to use the inventions disclosed in Longenecker and Van Cuyk to lock a trailer to a moving vehicle while the trailer is in tow to prevent the trailer from becoming unhitched while the towing vehicle is moving, which is one of the explicit goals and advantages of Applicant's invention. Neither Longenecker nor Van Cuyk teaches the use of a locking mechanism capable of locking a trailer to a moving vehicle while the trailer is in tow.

The invention disclosed in Longenecker explicitly makes it "impossible to couple the ball and socket of the trailer hitch." *See* Longenecker, col. 1, lines 4-6. Similarly, the invention disclosed in Van Cuyk "provides a protective enclosure for king pin which prevents the unauthorized coupling of a truck tractor with a trailer." *See* Van Cuyk, col. 1, lines 39-41. As a result, those of skill in the art would not consider the inventions disclosed in Longenecker and Van Cuyk as being reasonably pertinent to the particular problem with which Applicant's invention was concerned, as one object of Applicant's invention is preventing a trailer from becoming unhitched while the trailer is in tow.

C. There is no motivation to modify or combine the teachings of Longenecker and Van Cuyk

Applicant respectfully submits that the Examiner has not demonstrated that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings as required by MPEP § 2143. Neither Longenecker nor Van Cuyk teaches or suggests the use of the inventions disclosed in those references with gooseneck trailer hitches, as there is no mention of gooseneck trailer hitches anywhere in either reference. In fact, as described above, Van Cuyk is directed towards an *entirely* different type of hitching mechanism, a fifth wheel plate having a king pin. Longenecker, directed toward bumper hitch art, is similarly directed toward an much different class of hitches. Thus, the rejection is improper because the Examiner has failed to identify a teaching, suggestion, or motivation to combine either Longenecker or Van Cuyk with the Prior Art.

D. Longenecker and Van Cuyk do not teach all the claim limitations

In addition, Longenecker and Van Cuyk, whether individually or together, fail to teach or suggest all the claim limitations of Applicant's invention. Claim 8 of Applicant's invention, from which Claims 17 and 18 depend, discloses "a retainer bracket defining a slot in which an extension of a hitch ball engagement plate is slidably disposed." Further, Applicant's Claim 8 teaches a "hasp bar insertable into said slot of the retainer bracket." The Examiner contends that Longenecker teaches "that is known in the art to have a hasp bar (18) inserted into a slot on a retainer bracket (5) and means (15) to lock the hasp bar to the retainer bracket." However, Applicant asserts that Longenecker teaches neither a slot nor a slidable plate. Rather than disclosing a hasp bar inserted into a slot which contains a slidable plate, Longenecker discloses a notched prong (18) that projects into a cavity (16) containing the body (15) of a padlock. *See* Longenecker, col. 4, lines 29-39. Applicant respectfully points out that a cavity containing the body of a padlock is completely different from a slot containing a slidable plate. For this reason, Longenecker fails to teach or suggest all the limitations of Applicant's Claims 8, 17, and 18.

Similarly, Van Cuyk also fails to teach or suggest all the limitations of Applicant's Claim 8. The Examiner states that Van Cuyk teaches "that is known in the art to have a hasp bar (50) inserted into a slot on a retainer bracket (30 and 40) and means (48) to lock the hasp bar to the retainer bracket." However, Applicant asserts that Van Cuyk teaches neither a slot nor a slidable plate. Rather than disclosing a hasp bar inserted into a slot which contains a slidable plate, Van Cuyk discloses a padlock (48) having a shackle (50) adapted to be received by a hole (34) in a latch member (28) when the latch member is in the locked position and the hole is in the second ear (42) of a lock member (40). *See* Van Cuyk, col. 3, lines 51-66. Applicant respectfully points

out that a hole in a latch member is completely different from a slot containing a slidable plate.

Thus, Van Cuyk fails to teach or suggest all the limitations of Applicant's Claims 8, 17, and 18.

3. Response to Rejection of Claims 9 and 19 Under §103(a) (Prior art in view of Longenecker or in view of Van Cuyk and further in view of Hale)

The Examiner has rejected Claims 9 and 19 under §103(a) as being unpatentable over Prior Art in view of Longenecker or in view of Van Cuyk and further in view of Hale. Applicant respectfully traverses the rejection for the following reasons.

A. It is improper to combine the non-analogous art of Longenecker and Van Cuyk with Hale.

As explained above, Applicant respectfully submits that Longenecker and Van Cuyk are not analogous art with respect to the subject matter at issue, as required by MPEP § 2141.01(a), because neither is directed toward gooseneck trailer hitches. Importantly, combination of Longenecker, Van Cuyk and Hale would render it impossible to utilize the present invention for one of its intended purposes of securing a gooseneck trailer hitch to a hitchball, such as while a trailer is in tow. One of skill in the art simply would not look to the cited non-gooseneck trailer hitch art directed toward preventing insertion of a hitch ball, in combination with Hale, to arrive at Applicant's invention.

B. There is no motivation to modify or combine the teachings of Longenecker, Van Cuyk, and Hale

Second, Applicant respectfully submits that the Examiner has not demonstrated that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Longenecker, Van Cuyk, and Hale or to combine reference teachings. Although Hale suggests the use of the invention disclosed therein with gooseneck trailer hitches, neither Longenecker nor Van Cuyk suggests the

use of the inventions disclosed in those references with gooseneck trailer hitches. Although Hale teaches the use of a locking mechanism capable of locking a trailer to a moving vehicle while the trailer is in tow, neither Longenecker nor Van Cuyk teaches or suggests such a use.

C. Longenecker, Van Cuyk, and Hale do not teach all the claim limitations

In addition, Longenecker, Van Cuyk, and Hale do not teach or suggest all the claim limitations of Claims 9 and 19. Claim 9 of Applicant's application, from which Claim 19 depends, discloses that "said hasp bar engages said latch handle upon insertion into said slot of said retainer bracket." Claim 8, from which Claim 9 depends, includes the limitation that the slot into which the hasp bar is inserted contains a slidable plate. As explained above, neither Longenecker nor Van Cuyk teaches a slot containing a slidable plate, as Longenecker teaches a cavity which contains the body of a padlock and Van Cuyk teaches a hole in a latch member. The Examiner contends that Hale teaches "that is known in the art to have a hasp bar engaging a latch arm (32) when the hasp bar is inserted into a slot on a retainer bracket (30) and means to lock the hasp bar to the retainer bracket (Figure 1)." However, Applicant asserts that Hale does not disclose a slot which contains a slidable plate, as Hale teaches a handle (32) which has a protruding rod (40) which enters into the matching securing openings (42) in the sides of a rotatable retaining sleeve (30), thereby preventing rotation of the rotatable retaining sleeve (30). See Hale, col. 3, lines 44-62. Applicant respectfully points out that "matching securing openings in the sides of a rotatable retaining sleeve" are limitations that are entirely different from a slot containing a slidable plate. Thus, Longenecker, Van Cuyk, and Hale fail to teach or suggest all the limitations of Applicant's Claims 9 and 19.

4. Response and Rejection of Claims 9 and 19 Under §103(a) (Prior art in view of Longenecker or in view of Van Cuyk and further in view of Berluti)

The Examiner has rejected Claims 9 and 19 under §103(a) as being unpatentable over Prior Art in view of Longenecker or in view of Van Cuyk and further in view of Berluti. Applicant respectfully traverses the rejection for the following reasons.

A. The bumper hitch art of Longenecker and Berluti and the fifth-wheel hitch art of Van Cuyk are not analogous to gooseneck hitch art

Again, as explained above, Applicant respectfully submits that neither Longenecker, Van Cuyk nor Berluti are analogous art with respect to the subject matter at issue, as required by MPEP § 2141.01(a), because none is directed toward gooseneck trailer hitches. Significantly, combination of Longenecker, Van Cuyk and Berluti would render it impossible to utilize the present invention for one of its intended purposes of securing a gooseneck trailer hitch to a hitchball, such as while a trailer is in tow. One of skill in the art simply would not look to the cited non-gooseneck trailer hitch art of Longenecker and Van Cuyk directed toward preventing insertion of a hitch ball, in combination with Berluti, to arrive at Applicant's invention

B. There is no motivation to modify or combine the teachings of Longenecker, Van Cuyk, and Berluti

Second, Applicant respectfully submits that the Examiner has not demonstrated that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Longenecker, Van Cuyk, and Berluti or combine reference teachings. None of the three cited references suggest the use of the inventions disclosed in those references with gooseneck trailer hitches. Indeed, aside from the fact that a bumper hitch may also accept a hitch ball, none of the cited references is, in any way, structurally similar or analogous to the gooseneck trailer hitch of the prior art. Although Berluti

teaches the use of a locking mechanism capable of locking a trailer to a moving vehicle while the trailer is in tow, neither Longenecker nor Van Cuyk teaches or suggests such a use.

C. Longenecker, Van Cuyk, and Berluti do not teach all the claim limitations

In addition, Longenecker, Van Cuyk, and Berluti do not teach or suggest all the claim limitations of Claims 9 and 19. Claim 9 of Applicant's application, from which Claim 19 depends, discloses that "said hasp bar engages said latch handle upon insertion into said slot of said retainer bracket." Claim 8, from which Claim 9 depends, includes the limitation that the slot into which the hasp bar is inserted contains a slidable plate. As explained above, neither Longenecker nor Van Cuyk teaches a slot containing a slidable plate, as Longenecker teaches a cavity which contains the body of a padlock and Van Cuyk teaches a hole in a latch member. The Examiner contends that Berluti teaches "that is known in the art to have a hasp bar engaging a latch arm (23) when the hasp bar is inserted into a slot on a retainer bracket (15) and means to lock the hasp bar to the retainer bracket (Figure 1)." However, Applicant asserts that Berluti does not disclose a slot which contains a slidable plate. Rather, Berluti teaches the following:

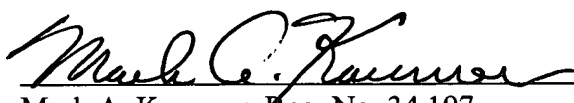
An opening 31 is provided adjacent the outer end of the locking lever 23, said opening registering with a similar opening 32 provided in the lug 33, which is formed integral with the casting 8, and when the locking lever is swung down to position shown in Fig. 1 of the drawing, these openings will be in alignment so that the hasp of the conventional lock L can be inserted therethrough to lock the ball in the socket and prevent theft and/or unauthorized manipulation of the hitch.

See Berluti, col. 2, lines 36-46. Applicant respectfully points out that an "opening" at the end of a lever through which a hasp can be inserted is a limitation that is entirely different from a slot containing a slidable plate. Thus, Longenecker, Van Cuyk, and Hale fail to teach or suggest all the limitations of Applicant's Claims 9 and 19.

CONCLUSION

Applicant has addressed each of the concerns of the Examiner regarding the Claims in the present application and respectfully requests that a timely Notice of Allowance be issued in this case. Should any further impediments to allowance remain, Applicant requests that the Examiner contact the undersigned attorney at the indicated phone number.

Respectfully submitted,



Mark A. Kammer, Reg. No. 34,197
Cox & Smith Incorporated
112 East Pecan Street, Suite 1800
San Antonio, Texas 78205-1536
(210) 554-5449
(210) 226-8395 (Fax)
ATTORNEYS FOR APPLICANT

Date: 6 AUGUST 2003



ANNOTATED MARKED-UP DRAWINGS

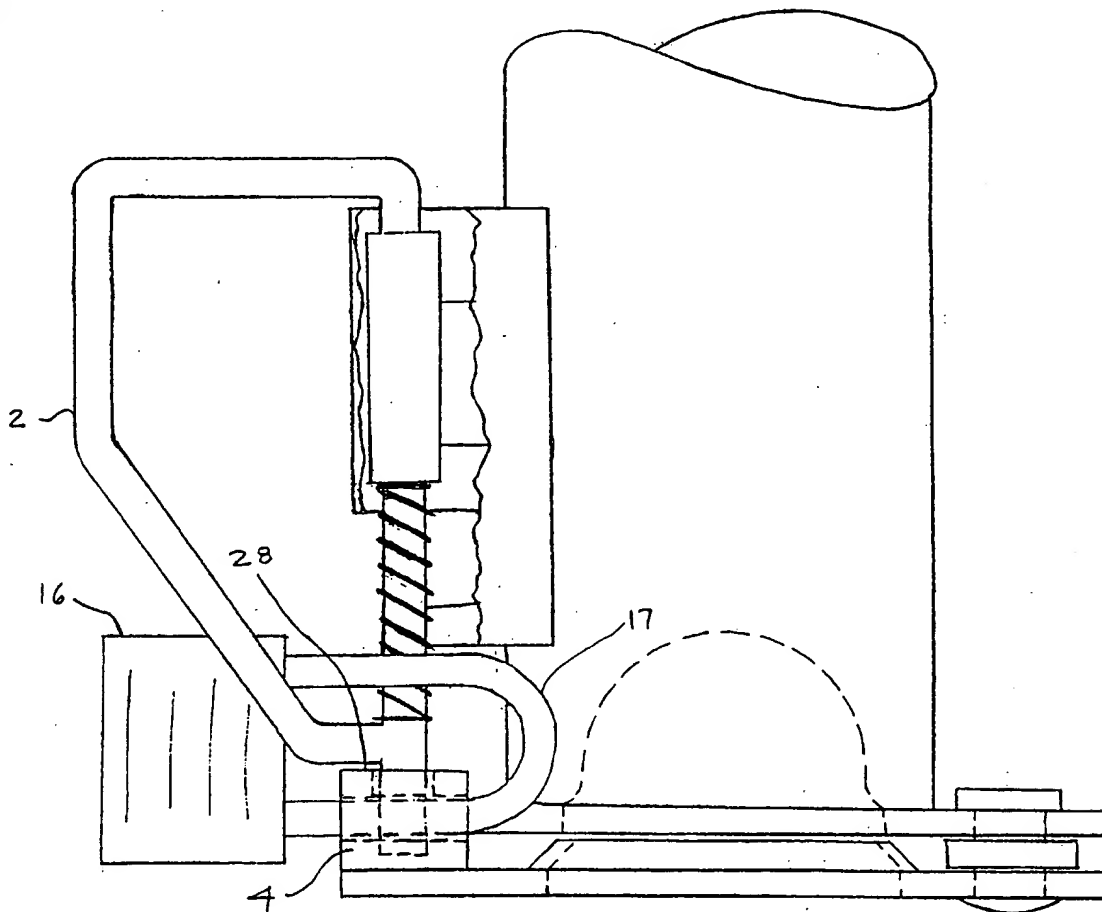


Fig. 13

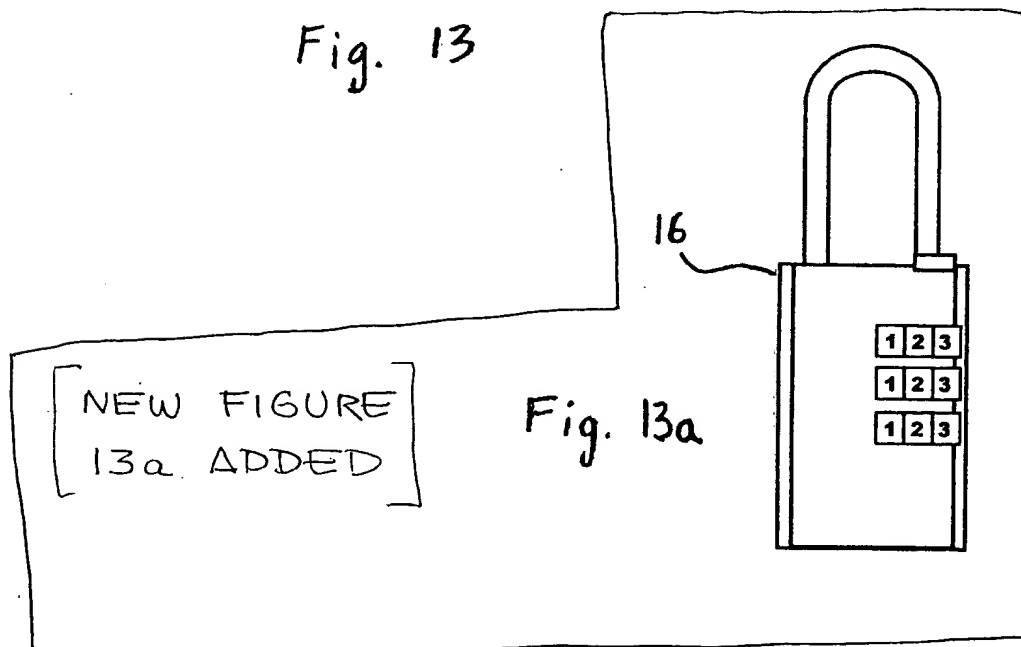


Fig. 13a

[NEW FIGURE
13a ADDED]